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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,737	07/16/2003	Goncalo Agra Amorim	30021145US01	9049

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EXAMINER

PAK, SUNG H

ART UNIT

PAPER NUMBER

2874

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/620,737	AMORIM ET AL.	
	Examiner	Art Unit	
	Sung H. Pak	2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-10 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 6/20/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Drawings

The drawings were received on 6/20/2005. These drawings are acceptable.

Response to Amendment

Applicant's amendment filed 6/20/2005 has been carefully considered. In view of the amended limitations a new ground of rejection is provided in this office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-4, 6, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yen et al (US 200/0136501 A1) in view of Hvezda et al (US 5,151,961).

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Yen and Hvezda were cited in the previous office action.

Yen discloses an optical device with limitations set forth in the claims, except it does not explicitly teach the use of a clip for securing the optoelectronic device to the interface adaptor.

Specifically, Yen discloses: a first portion for receiving an optical connector ('110', '120' Fig. 2-3); a second portion for receiving an optoelectronic device, wherein the second portion comprises a first aperture to receive said optoelectronic device ('160' Fig. 3; paragraph 0034); a second aperture to receive said optoelectronic device ('180' Fig. 3; paragraph 0039); said first and second apertures comprising one or more projections located at the periphery of said apertures (projection '190' and '195' located at the periphery of the second aperture, and projection '168' located at the periphery of the first aperture); wherein the first and second apertures of said second portion comprise total of more than three projections located at the periphery of said apertures (there are four projections-'190', '195', and two '168's located on either sides of the first aperture); a third portion for connecting the first portion and the second portion ('170' Fig. 3), wherein said second portion further comprises one or more retaining means ('190', '195'), which may also be called engagement means, to engage and resist the removal of the optoelectronic device from the interface adaptor (paragraph 0039- although it is not explicitly stated that the retaining means "resist the removal", this feature is inherent in the use of the retaining means '190' and '195' because they are disposed in the grooves '380' and '385' of the optoelectronic device); wherein the interface adaptor comprises a metallic material ('500' Fig. 1; paragraph 0043), or alternatively coated with a layer of metal (paragraph 0043).

On the other hand, Hvezda explicitly teaches the use of a clip for securing the optoelectronic device with the interface adaptor (Figs. 1-2B). The use of such clip is considered advantageous and desirable in the art because it allows for a secure, yet reversible mechanical coupling between optical transmission elements. This allows for modularization of optical device components and facilitate manufacturing and future repairs. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the device of Yen to have a clip as taught by Hvezda.

Claims 5, 7, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yen et al (US 2002/0136501 A1) in view of Hvezda et al (US 5,151,961) as applied to claims above, and in further view of Poplawski et al (US 6,201,704 B1).

Yen, in view of Hvezda, render all the claimed limitations obvious as discussed above, except it does not explicitly teach that the interface adaptor comprises a plastic material coated with conductive metal.

On the other hand, Poplawski explicitly teaches an adaptor portion ('12' Fig. 3,4) containing an optoelectronic device and interfaces external optical connectors, wherein the adaptor comprises a plastic material coated with conductive metal (claims 1, 6, 18, 20 and 27). This configuration is considered advantageous and desirable in the art because the plastic material provides electrical isolation of optoelectronic device, yet metallic coating prevents undesirable electromagnetic interference. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the Yen device to have an adaptor comprising plastic material coated with conductive metal.

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Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yen et al (US 2002/0136501 A1) in view of Hvezda et al (US 5,151,961) as applied to claims above, and in further view of Nakura et al (US 6,796,726 B2).

Yen, in view of Hvezda, render all the claimed limitations obvious as discussed above, except it does not explicitly teach the use of an insulative coating.

On the other hand, Nakura explicitly teaches the use of an insulative coating ('11a' Fig. 3; column 4 line 1) on an interface adaptor. The use of an insulative coating is considered advantageous and desirable in the art because it provides effective electrical and thermal isolation of optoelectronic device. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the Yen device to have insulative coating on the interface adaptor.

Response to Arguments

Applicant's arguments regarding the patentability of pending claims have been carefully considered. However, the arguments are deemed moot in view of the new ground of rejection provided in this office action.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sung H. Pak whose telephone number is (571) 272-2353. The examiner can normally be reached on Monday- Friday, 9AM-5PM.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sung H. Pak
Patent Examiner
Art Unit 2874